

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AITUS KELLY,	:	
GDC No. 1171991,	:	
Plaintiff,	:	
	:	
	:	CIVIL ACTION NO.
v.	:	1:18-CV-2966-TWT-JSA
	:	
KERRY SPANIER;	:	
SPANIER CONSTRUCTION,	:	
Defendants.	:	

MAGISTRATE JUDGE’S FINAL REPORT AND RECOMMENDATION

Plaintiff Aitus Kelly, incarcerated at the Rutherford County Jail in Murfreesboro, Tennessee, has filed the instant action in which he states is an appeal of the United States Department of Housing and Urban Development’s denial of a complaint he filed in Kansas City, Kansas against the Defendants for housing discrimination. The Clerk has docketed the action as a *pro se* petition for mandamus relief.

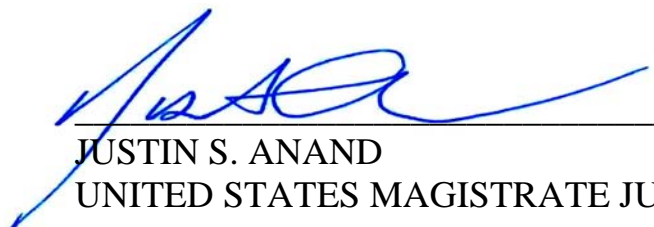
While Plaintiff claims that he has filed the appeal in this Court since he now lives in Georgia, the events about which Plaintiff occurred in Kansas City and Defendants are located there; therefore, venue is not proper in this Court. *See* 28 U.S.C. § 1391(b) (providing that, *inter alia*, venue is proper in a judicial district in which any defendant resides, and/or in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred). Pursuant to 28

U.S.C. §1406(a), a “district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because Plaintiff filed a handwritten letter in this Court which is devoid of the details of his complaint, and because he has neither paid the \$400 filing fee nor sought to proceed *in forma pauperis*, the Court does not find it in the interest of justice to transfer the instant case.

Accordingly, **IT IS THEREFORE RECOMMENDED** that this action be **DISMISSED** under 28 U.S.C. § 1406(a).

The Clerk is **DIRECTED** to terminate the reference to the undersigned Magistrate Judge.

IT IS SO RECOMMENDED this 17th day of July, 2018.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE